



The Commonwealth of Massachusetts
DEPARTMENT OF
TELECOMMUNICATIONS AND ENERGY

MEMORANDUM

TO: Western Massachusetts Electric Company, D.T.E. 04-106 - Service List

FROM: John J. Geary, Hearing Officer

DATE: December 13, 2004

RE: Ruling on Motion to Intervene

CC: Mary L. Cottrell, Secretary

I. INTRODUCTION

On November 16, 2004, Western Massachusetts Electric Company ("WMECo" or "Company") filed a petition with the Department of Telecommunications and Energy ("Department") seeking approval of a rate settlement agreement ("Settlement") that the Company entered into with the Attorney General of the Commonwealth of Massachusetts and the Associated Industries of Massachusetts. The Department docketed this matter as D.T.E. 04-106.

On November 18, 2004, the Department established a deadline of December 2, 2004 for petitions to intervene (see Notice of Filing and Public Hearing). Massachusetts Electric Company ("MECo") submitted a timely petition for limited participant status. On December 2, 2004, the Western Massachusetts Industrial Customers Group ("WMICG") filed a petition to intervene as a full participant.¹

The Department held a procedural conference on December 3, 2004. At the procedural conference, the Hearing Officer granted MECo's petition for limited participant status (Tr. at 12-13). The Company objected to WMICG's petition to intervene (Tr. at 5-7). The hearing officer took WMICG's petition under advisement (Tr. at 13). On December 10, 2004,

¹ WMICG is comprised of three industrial customers: General Electric Company, MeadWestvaco Corporation, and Solutia, Inc. (Petition at 1).

the Company withdrew its objection to WMICG's petition to intervene (December 10, 2004 Letter to Mary L. Cottrell).

II. STANDARD OF REVIEW

The Department's regulations require that a petition to intervene describe how the petitioner is substantially and specifically affected by a proceeding. 220 C.M.R. §1.03(1)(b); see also G.L. c. 30A, § 10. In interpreting this standard, the Department has broad discretion in determining whether to allow participation, and the extent of participation, in Department proceedings. Attorney General v. Department of Public Utilities, 390 Mass. 208, 216 (1983); Boston Edison Company v. Department of Public Utilities, 375 Mass. 1, 45 (1978) (with regard to intervenors, the Department has broad but not unlimited discretion), cert. denied, 439 U.S. 921 (1978); see also Robinson v. Department of Public Utilities, 835 F. 2d 19 (1st Cir. 1987). The Department may allow persons not substantially and specifically affected to participate in proceedings for limited purposes. G.L. c. 30A, § 10; 220 C.M.R. § 1.03(1)(e); Boston Edison, 375 Mass. 1, 45. A petitioner must demonstrate a sufficient interest in a proceeding before the Department will exercise its discretion and grant limited participation. Boston Edison, 375 Mass. 1, 45. The Department is not required to allow all petitioners seeking intervenor status to participate in proceedings. Id.

III. WMICG

WMICG argues that its members are substantially and specifically affected because they purchase large amounts of electricity and distribution service under several WMECo tariffs and special contracts (Petition at 3). WMICG further argues that they have been granted leave to intervene in WMECo's last base rate proceeding, Western Massachusetts Electric Company, D.P.U. 92-290 (1992), the Company's restructuring settlement, Western Massachusetts Electric Company, D.T.E. 97-120 (1998), and the Company's reconciliation filings, Western Massachusetts Electric Company, D.T.E. 03-34 and Western Massachusetts Electric Company, D.T.E. 04-40 (id.). WMICG also contends that neither Attorney General nor AIM can adequately represent WMICG's interests (id.).

IV. RULING

As large consumers of electricity supplied by the Company, a Department Order setting distribution rates may substantially and specifically affect WMIGC's members. Therefore, I grant WMIGC's petition to intervene in this proceeding. WMIGC is permitted to propound information requests to the Company and will be placed on the service list.

V. APPEAL

Under the provisions of 220 C.M.R. § 1.06(d)(3), any affected person may appeal this ruling to the Commission by filing a written appeal with supporting documentation by December 14, 2004. A written response to any appeal must be filed by December 15, 2004.